United Nations S/2003/870

Security Council

Distr.: General
10 September 2003

Original: English

Letter dated 8 August 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 2 January 2003 (S/2003/17). The Counter-Terrorism Committee has received the attached supplementary report from Suriname submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established
pursuant to resolution 1373 (2001)
concerning counter-terrorism

03-49550 (E) 021003

Annex

Note verbale dated 30 July 2003 from the Permanent Mission of Suriname to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Suriname to the United Nations presents its compliments to the Chairman of the Counter-Terrorism Committee and has the honour to attach the following supplementary report submitted by the Government of the Republic of Suriname pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

Information requested by the CTC, in addition to the report of the Government of Suriname, submitted pursuant to paragraph 6 of Security Council resolution 1373

Paragraph 1:

- The CTC would welcome:
  - An outline of the recommendations relating to the suppression of the financing of terrorism that are contained in the national report on terrorism prepared by the National Anti-Terrorism Working Group, with particular reference to legislative provisions and administrative procedures recommended for the following purposes:

There was one general recommendation with regard to terrorist financing, namely: make the necessary legal (amendments) arrangements regarding terrorist financing as soon as possible.

    - to enable the economic and financial system of Suriname to guard against operations carried out by persons or entities that are involved, or suspected of being involved, in criminal activities, especially terrorist activities or activities in support of terrorism;

Suriname has no specific legislation that guards the financial and economic system of Suriname against terrorist activities and activities in support of terrorism. However, there are laws that guard the financial and economic system of Suriname, in general, for example the Penal Code, the Reporting of Unusual Transactions Act, the Identification for Rendering Financial Services Act and the Supervision of the Credit System Act.

    - to provide for the freezing and provisional seizure of funds and assets relating to terrorism and its financing, both in the course of investigations and upon sentencing;

Suriname has no laws or regulations, which enable the freezing and provisional seizure of funds and assets related to terrorism and its financing. In the legislation concerning money-laundering there are measures included that enable the relevant authorities to freeze assets of suspected persons or organisations.

    - to require financial institutions, other intermediaries (e g. lawyers) and other natural or legal persons to report suspicious transactions to the relevant authorities;

On September 5th, 2002, the law concerning the Reporting of Unusual Transactions was promulgated. This law entered into force in March 2003. In the Law "Reporting of Unusual Transactions" financial institutions, other intermediaries and natural legal persons who render financial services are obliged to report unusual transactions to the Financial Intelligence Unit.

    - to prohibit nationals of Suriname or any person or entity in Suriname from making funds, etc., available to persons or entities linked to terrorist acts;

Suriname has no specific law that prohibits nationals of Suriname or any person or entity in Suriname from making funds available to persons or entities abroad.

    - to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted for other purposes, particularly for financing terrorism;

Suriname has no provision to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted for other purposes, particularly for the financing of terrorism.

    - to regulate alternative remittance systems, including systems of, or similar to, the kind known as hawala; and

There is no specific system and there were no specific recommendations in this regard.

    - a progress report on the steps taken to give effect to those recommendations.

The progress report will be finalised later this year (2003).

- Does the reporting requirement of the Central Bank of Suriname have the force of Law? By what general criteria are transactions characterised as irregular for the purposes of the reporting obligation?

The guidelines for the prevention of money laundering, issued by the Central Bank of Suriname on November 14th, 1996 are not mandatory and there are no general criteria included in order to characterise an unusual transaction. However, these guidelines give a definition for an "unusual transaction". This is defined as: any transaction that deviates from the normal (usual) account course, the usual (business) activities of the accountholder and from what are considered usual in the daily (banking) business.

Paragraph 2:

- The CTC would welcome:
  - An outline of the recommendations relating to the criminalisation of acts in support of terrorism and to the taking of other measures, as mentioned in the individual sub-paragraphs of this paragraph, that are contained in the national report on terrorism prepared by the National Anti-Terrorism Working Group, with particular reference to legislative provisions proposed:
    - To prevent those who finance, plan, facilitate or commit terrorist acts from using the territory of Suriname for those purposes against other States or their citizens; and
      With regard to terrorism (in general), it was recommended that the necessary laws in Suriname be amended and / or drafted.
    - to ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and to ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts; and
      It was recommended to amend and / or draft the necessary legislation, related to terrorism (in general).

  - a progress report on the steps taken to give effect to those recommendations.
    The progress report will be finalised later this year (2003).

Sub-paragraph 2 (a)

- Please provide an outline of the provisions of the Firearms Act and any other relevant law relating to the acquisition and possession, and import and export, of weapons.
  The Firearms Act of Suriname (G.B. 1930 no. 73) prohibits the possession, import and export of firearms and ammunition without a license. The Attorney General or an official appointed by him/her are the only ones authorised to grant such a license.

Sub-paragraph 2 (b)

- Please outline the provisions of the Code of Criminal Procedure that relate to mutual legal assistance in criminal matters.
  According to article 467 and subsequent articles of the Criminal Proceeding Code, requests for legal assistance must be put forward to the Attorney General, if not determined otherwise through Agreement.
- What is the legal time frame within which a request for judicial assistance in criminal investigations or criminal proceedings (especially those relating to the financing or other support of terrorist acts) is required to be met under the Code Criminal Procedure and how long, on average, does it actually take in practice to implement such a request in Suriname?

Legally, there is no specific time set for implementing a request for judicial assistance. However, according to article 469 of the Criminal Proceeding Code, the Attorney General decides forthwith regarding the request, in order to get a speedy and efficient conclusion.

Sub-paragraph 2 (e)

- What is the competence of the courts of Suriname to deal with criminal acts of each of the following kinds:
  - an act committed outside Suriname by a person who is a citizen of, or habitually resident in, Suriname (whether that person is currently present in Suriname or not)
    The Judiciary in Suriname is competent to take note of criminal acts committed on Suriname's territory, regardless of who committed this act. Criminal acts, according to the Penal Code and other laws that were committed by Surinamese nationals outside of Suriname can be presented to the judicial authorities in Suriname. Suriname's criminal law can be applied to anyone who commits criminal acts, as mentioned in article 4 of the Penal Code or as described in the Act on Narcotic Drugs (S.B. 1998 no.14).
  - an act committed outside Suriname by a foreign national who is currently in Suriname ?
    According to the Penal Code, suspects in such cases can be prosecuted if accused of a criminal offense committed abroad, but affected Suriname.

Sub-paragraph 2 (f):

- Please provide a list of the bilateral and multilateral treaties on extradition to which Suriname is party.
  - *The Agreement between Suriname and the Kingdom of the Netherlands on extradition and legal assistance with regard to criminal matters (published in the Journal of Treaties of the Republic of Suriname 1981 no. 16, and amended in 1992).*
  - *The Vienna Convention of 1988 against illicit trafficking in narcotic drugs and psychotropic substances: Extradition is possible through this Convention, but only if the requesting country is also a party to this Convention.*

Sub-paragraph 2 (g):

- What measures have been taken to prevent the counterfeiting and forgery of identity papers and travel?

The Republic of Suriname has not signed/ratified any specific bilateral or multilateral agreements with other states regarding the detection of forged documents, but some of the bilateral agreements Suriname has with other nations can sometimes be applied in this case. The Ministry of Foreign Affairs (particularly the Consular Division) regularly co-operates and exchanges information with the consular divisions of the foreign embassies in Suriname, in particular the USA, in order to detect forged documents.

Sub-paragraphs 3 (d) and (e):

- The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by Suriname in :
  - becoming a party to the instruments to which it is not yet a party;
    Suriname signed the Inter American Convention against Terrorism on June 3rd, 2002, and is still studying other international instruments related to terrorism and considering becoming a party.
  - enacting legislation and making other necessary arrangements, to implement the instruments to which it has become a party.

The following legislation was promulgated on September 5th, 2002:

- *Law of September 5th, 2002, regarding regulations making money laundering punishable by law (S.B. 2002, no. 64).*
- *Law of September 5th, 2002, on the establishment of regulations regarding reporting of unusual transactions during provision of services (S.B. 2002, no 65).*

- *Law of September 5th, 2002, regarding the identification of rendering of services (S.B. 2002, no. 66)*
- *Law of September 5th, 2002, on further amendment of the Penal Code, the Criminal Proceeding Code and the Act on Economic Offences regarding taking away illegally obtained benefit and seizure of goods (S.B. 2002, no. 67).*
- *Law of September 5th, 2002, regarding further amendment of the Penal Code, the Criminal Proceeding Code with regard to determining general provisions concerning penalising legal bodies or entities (S.B. 2002, no. 68).*
- *Law of September 5th, 2002, concerning further amendment of the Penal Code regarding penalising organised crime (S.B. 2002, no. 69).*

Suriname has furthermore, requested technical assistance through the Caribbean Anti Money Laundering Programme (CALP) to draft legislation that would make terrorist financing punishable by law.

Other arrangements that have been made and steps that have been taken, in particular by the Ministry of Defense, with regard to the fight against terrorism are:
- *Intensified border control;*
- *Establishment of a mobile anti-terrorism unit, with specific skills.*

- Have the offences set forth in the relevant international conventions and protocols been included as extraditable offences in the relevant bilateral treaties to which Suriname is party?
  The offenses set forth in the Vienna Convention are related to illicit trafficking in narcotic drugs and psychotropic substances, whereas the bilateral agreement with the Netherlands is based on extradition and legal assistance in criminal matters. The offenses in the Vienna Convention, regarding illicit trafficking in narcotic drugs and psychotropic substances, have been included as extraditable in the bilateral agreement with the Netherlands.

Sub-paragraph 3 (f):

- The CTC would welcome a progress report on the changes being made to the law relating to aliens and an outline of the resulting provisions that are relevant to this sub-paragraph and to sub paragraph 2 (c).
  The Aliens Act 1991 was promulgated on January 16th, 1992 (S.B. 1992, no. 3), and will enter into force as soon as the decrees of enforcement related to this Act have been completed.

Sub-paragraph 3 (g):

- Is it possible under the law of Suriname for requests for the extradition of alleged terrorists to be refused on political grounds?

According to articles 7 and 8 of the Extradition Code (S.B. 1983, no. 52), a request for extradition can be denied on political grounds.

Paragraph 4:

- Has Suriname addressed any of the concerns expressed in paragraph 4 of the Resolution?
  - *To improve the exchange of information, both bilateral and multilateral agreements were entered into with other Caribbean countries and France (French Guyana), Brazil, the Netherlands, Canada, England and the United States of America. These co-operation mechanisms enhance the flow of information on routes of suspicious aircraft and vessels and other criminal activities. Suriname also co-operates with, among others, INTERPOL, and in this regard police agencies all over the world, the member states of the Inter American Drug Abuse Control Commission*

(CICAD), International Drug Enforcement Conference (IDEC), Association of Caribbean Commission of Police (ACPP) and the Caribbean Community (CARICOM) member countries with regard to exchange of operational information on criminal activities (including terrorism related matters).

- *Suriname ratified the Inter American Convention against Corruption in June 2002.*
- *Suriname has signed bilateral treaties and agreements with:*

- *the Netherlands: with regard to co-operation on legal matters and co-operation between the Police Corps of both countries;*
- *the United States of America: on cooperation in maritime law enforcement (the Shiprider agreement) and fighting drug trafficking, particularly with the Drug Enforcement Agency (DEA);*
- *Colombia[1]: regarding all forms of transnational organised crime;*
- *France[2]: regarding all forms of transnational organised crime;*
- *Netherlands Antilles[3]: regarding all forms of transnational organised crime;*
- *the Project Management Office (P.M.O.): a network of Caribbean countries cooperating with each other in order to fight all forms of transnational organised crime.*

Other matters:

- Could Suriname please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

List of agencies responsible for conducting counter-terrorism related activities[4]:

Ministry of Defense

The Ministry of Defense is responsible for:

- *creating a suitable condition for national development, through national security in particular, by:*
- *creating, maintaining and deploying troops (of the National Army) within the framework of the Government's national security policy.*

The Ministry of Defense has identified and is currently preparing areas of specific concern, namely on:

- *counter terrorism;*
- *regional operational command (inter operability);*
- *establishing a Coast Guard unit*

The Central Intelligence and Security Agency

This department is mainly responsible for:

- *counter terrorism;*
- *gathering of intelligence on potential threats to national security;*
- *coordination of the operational execution of issues related to terrorism;*
- *establishing and maintaining contact with national and international agencies in similar fields of work;*
- *sharing information with other agencies (national / international);*
- *monitoring the watch list provided by relevant US agencies.*

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[1] This co-operation is not based on a formal agreement, but the two countries do co-operate with each other to fight crime in general.

[2] See footnote 1.

[3] See footnote 1.

[4] This list is based on the members of the National Anti-Terrorism Working Group, who in the aftermath of 11 September 2001 were instructed by the President of the Republic of Suriname to prepare an overview of the current state of affairs in Suriname regarding terrorism, highlighting Suriname's overall policy on issues related to counter-terrorism legislation, the banking system and aviation security.

The Ministry of Justice and Police

The Ministry of Justice and Police is mainly responsible for:

- *protecting the fundamental human rights and liberties;*
- *the preparation, drafting and revising of constitutional matters;*
- *advising the Government on legislative and legal matters;*
- *the Judiciary in Suriname;*
- *all personnel related matters of the judiciary;*
- *representing the State in legal matters;*
- *the introduction, prosecution and implementation of penalties (jail sentences);*
- *domestic security of the State and maintaining public order and peace and the protection of goods and people;*
- *detection and investigation of criminal offences;*
- *Government Policy on allowing foreigners to enter the country or to settle in Suriname, as well as deportation and extradition of foreigners.*

The Ministry of Foreign Affairs

The Ministry of Foreign Affairs is mainly responsible for:

- *diplomatic and consular affairs*
- *gathering information on foreign countries and passing it on to the relevant authorities;*
- *matters related to migration;*
- *maintaining relations with other countries and international organisations. In this regard the Ministry is responsible for the national coordination and follow up of all matters related to the current global issues, including terrorism, in order to report national developments and activities to the international organisations dealing with these issues, such as the Organisation of American States and the United Nations.*

The Ministry of Transport, Telecommunication and Tourism

The Ministry of Transport, Communication and Tourism is responsible for:

- *transportation in general, including:*
- *the supervision of maritime, air and ground transport;*
- *the facilities for maritime and air transport, in particular:*
- *safe and efficient handling of goods and people, pilot services, and*
- *maintenance of all ports.*

The Ministry of Finance

The Ministry is mainly responsible for:

- *the general financial, monetary and fiscal policy;*
- *fund management for carrying out development projects;*
- *improve the financing of development plans, projects and programmes;*
- *the arrangement and control of the financial administration of the State;*
- *the levying and collecting of taxes;*
- *the investment policy (in co-operation with other relevant Ministries);*
- *the supervision of the observance of the foreign currency regime, regarding import, export and transfer of goods and services.*

The Central Bank of Suriname

The Central Bank is mainly responsible for:

- *promoting the development of a sound banking and credit system in Suriname;*
- *supervising the banking and credit system in Suriname in accordance with the provision of the Act on Supervision of the Banking and Credit System 1968;*
- *promoting and facilitating the system of the payments between Suriname and foreign States.*